

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KIMBERLY YOUNG, *et al.*,

Plaintiffs,

v.

REGENCE BLUESHIELD, *et al.*,

Defendants.

Case No. C07-2008RSL

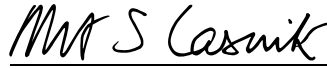
ORDER DENYING
MOTIONS TO DISMISS

This matter comes before the Court on motions to dismiss filed by defendant Regence Blueshield (“Regence”). Plaintiffs allege that Regence either misrepresented or promised that they would be entitled to take advantage of the rates negotiated between Regence and its preferred providers for health care costs, but they were charged higher rates. Plaintiffs allege claims on behalf of individual and group plan participants. Regence has filed two motions to dismiss plaintiffs’ claims on behalf of putative class members who are *group* health plan participants because (1) plaintiffs’ claims are preempted by the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §§ 1001-1461 but plaintiffs have not asserted any ERISA claims, and (2) plaintiffs, who purchased an individual plan, lack standing to pursue claims based on the

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1 group plans and fail to satisfy the Rule 23 requirements regarding those claims. Plaintiffs
2 sought to amend their complaint to remedy those deficiencies, and the Court has granted
3 their motion. The proposed amended complaint includes claims under ERISA and claims
4 under a group plan. Accordingly, defendant's motions to dismiss (Dkt. ## 9, 10) are
5 DENIED.

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7 DATED this 19th day of March, 2008.

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10 Robert S. Lasnik
11 United States District Judge
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